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EXAMINER	
VAN DOREN, BETH	
ART UNIT	**PAPER NUMBER**
3623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/900,674	NYHAN ET AL.	
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20061023*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/17/06 has been entered.

2. The following non-final office action is in response to communications received 08/17/2006. Claims 1, 13, and 17 have been amended. Claims 1-27 are pending in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that an on-line survey solicitation is separate and distinct from an on-line advertisement. However, claim 1 also recites that the on-line survey solicitation is selectively presented in response to receiving a request for presenting the on-line advertisement and further recites in the final element that the on-line advertisement contains additional instructions that facilitate invoking decision-making steps for determining whether to present the on-line survey solicitation. Therefore, it is unclear as to what is the scope of the terms "separate and distinct",

since there is at least a functional relationship recited in claim 1 between the on-line survey solicitation and the on-line advertisement. Clarification is required.

Claims 2-12 depend from claim 1 and therefore contain the same deficiencies.

Claim 13 also recites that an on-line survey solicitation is separate and distinct from an on-line advertisement. However, claim 13 further recites that cookie data is accessed based on the request for the on-line advertisement, the cookie data used to determine whether or not to present the on-line solicitation. Therefore, it is unclear as to what is the scope of the terms "separate and distinct", since there is at least a functional relationship recited in claim 13 between the on-line survey solicitation and the on-line advertisement. Clarification is required.

Claims 14-16 depend from claim 13 and therefore contain the same deficiencies.

Claim 17 also recites that an on-line survey solicitation is separate and distinct from an on-line advertisement, but also recites that the on-line survey solicitation is associated with the on-line advertisement. Therefore, based on this contradiction (i.e. the solicitation and advertisement are both associated and distinct), it is unclear as to what is the scope of the terms "separate and distinct", since there is at least a functional relationship recited in claim 17 between the on-line survey solicitation and the on-line advertisement. Clarification is required.

Claims 18-27 depend from claim 17 and therefore contain the same deficiencies.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 5-7, 10, 13-15, 17-21, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winn (U.S. 6,901,424).

As per claim 1, Winn teaches a method for conducting an on-line survey in association with presentation of an on-line HTML document by a browser client, the method comprising:

receiving, by a server, a request for a block of data comprising computer-readable instructions for presenting the on-line HTML document via the browser client (See figure 2, column 1, line 63-column 2, line 15, column 3, lines 4-25, wherein the user accesses HTML documents over the internet, the documents served by the server);

selectively presenting, in response to the receiving step, an on-line survey solicitation that is separate and distinct from the originally accessed on-line HTML document via the browser client (See column 3, lines 25-30 and 45-65, column 4, lines 9-20 and 29-41, wherein an online survey invitation/solicitation is presented to the user in response to the user interacting with the HTML document), the selectively presenting step comprising performing, in any order, the sub-steps of:

accessing information regarding previous presentation by the browser client of the on-line survey solicitation (See figure 4, column 4, lines 9-20 and 29-41, which discloses recording cookies that track survey solicitations), and

adding, by the server to the block of data that includes computer-readable instructions for presenting the originally accessed on-line HTML document on the browser client, further additional computer-readable medium instructions, within the block of data comprising computer readable instructions for presenting the originally accessed on-line HTML document via the browser client, and wherein the additional computer-readable instructions facilitate invoking

decision-making steps for determining whether to present the on-line solicitation via the browser client (See figure 4, column 2, lines 1-15, column 3, lines 35-60, column 4, lines 9-20 and 29-41, wherein a tag is added to the HTML document code and is executed, invoking the decision process of whether or not to solicit the user).

However, Winn does not expressly disclose an ad server or that the served HTML documents are online advertisements.

Winn discloses a web-based system with client/server architecture that serves HTML documents to a user who requests and accesses such documents. In response to accessing the served HTML document, a survey manager is accessed that determines whether or not to solicit the user to be surveyed. Examiner takes official notice that most websites on the World Wide Web display advertisements and that these advertisements would be coded using HTML, since HTML is a standard coding language generally adhered to by the major browsers. Further, examiner takes official notice that it is well known to use information related to online advertisements (accesses, displays, etc. found in cookies) in order to more efficiently and accurately identify targets for surveys. Examiner further points out that the recitation that the server is an ad server is an intended use, and that the system of Winn is capable of displaying any HTML document. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an online advertisement as the HTML document of Winn in order to more accurately identify users to target for surveying reasons, thus drawing from a more accurate sample pool.

As per claim 2, Winn discloses wherein the adding step is performed at least partially based upon the accessing step (See figure 4, column 2, lines 1-15, column 3, lines 35-60, column

4, lines 9-20 and 29-41, wherein a tag is added to the HTML document code and is executed, invoking the decision process of whether or not to solicit the user).

As per claim 3, Winn discloses wherein the accessing step comprises: receiving cookie data from the browser client indicative of a previous presentation of the on-line survey solicitation (See figure 4, column 4, lines 9-20 and 29-41, which discloses recording cookies that track survey solicitations).

As per claim 5, Winn teaches sending the block of data including the added computer readable instructions to the browser client over a computer network (See figure 2, column 3, lines 5-25, which discloses distributing over a computer network).

As per claim 6, Winn discloses presenting the on-line survey solicitation thereby soliciting the user to take the on-line survey, generating, in association with the presenting step, cookie data to indicate that the online survey solicitation was presented by the browser client, and sending the generated cookie data over a computer network to the browser client (See figure 4, column 3, lines 25-30 and 45-65, column 4, lines 9-20 and 29-41, wherein the survey solicitation is presented to the user and a cookie is written indicating the soliciation).

As per claim 7, Winn discloses executing the added computer-readable instructions to perform steps of: referencing a frequency parameter that influences the frequency of presenting the on-line survey solicitations and determining whether or not to present the on-line survey via the browser client based, in part, on the frequency parameter (See column 4, lines 9-20 and 29-41, which discloses frequency of solicitation).

As per claim 10, Winn teaches executing the added computer-readable instructions to perform steps of: generating a random number; determining whether the random number falls

within a set of numbers that correspond to a the frequency with which the on-line survey solicitation is presented via browser clients; and presenting the online survey solicitation based on the determining step (See column 4, lines 9-20 and 29-41, which discloses random number generation in the context of frequency selections).

As per claim 13, Winn teaches a method for soliciting a user of a computer to take an on-line survey, the computer being linked to a computer network and running a browser program, the method comprising:

receiving, by a server, a request issued by the browser for one or more files comprising an on-line advertisement (See figure 2, column 1, line 63-column 2, line 15, column 3, lines 4-25, wherein the user accesses HTML documents over the internet, the documents served by the server);

accessing, in response to the receiving step, cookie data for the browser regarding previous presentation by the browser of an on-line survey solicitation which is independent and distinct from the HTML document (See figure 4, column 4, lines 9-20 and 29-41, which discloses recording cookies that track survey solicitations);

selectively modifying, based on the cookie data, the one or more requested files to include additional computer readable instructions so that at least one of the files includes a reference to computer-readable instructions for deciding whether or not to present the on-line survey solicitation via the browser (See figure 4, column 3, lines 25-30 and 45-65, column 4, lines 9-20 and 29-41, wherein an online survey invitation/solicitation is presented to the user in response to the user interacting with the HTML document and the cookie data); and

sending the one or more requested files to the browser over the computer network (See figures 2 and 4, column 2, lines 1-15, column 3, lines 5-17 and 35-60, column 4, lines 9-20 and 29-41, wherein files are distributed over the computer network).

However, Winn does not expressly disclose that the HTML documents are online advertisements.

Winn discloses a web-based system with client/server architecture that serves HTML documents to a user who requests and accesses such documents. In response to accessing the served HTML document, a survey manager is accessed that determines whether or not to solicit the user to be surveyed. Examiner takes official notice that most websites on the World Wide Web display advertisements and that these advertisements would be coded using HTML, since HTML is a standard coding language generally adhered to by the major browsers. Further, examiner takes official notice that it is well known to use information related to online advertisements (accesses, displays, etc. found in cookies) in order to more efficiently and accurately identify targets for surveys. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an online advertisement as the HTML document of Winn in order to more accurately identify users to target for surveying reasons, thus drawing from a more accurate sample pool.

As per claim 14, Winn teaches computer readable medium having stored thereon computer readable instructions (See figures 1-2, column 3, lines 5-25 and 45-65).

As per claim 15, Winn teaches wherein the one or more requested files comprise computer-readable instructions for displaying the on-line advertisement, and wherein the selective modifying step further comprises inserting script readable by the browser into the one

or more files, the script including instructions for calling a routine that decides whether or not to solicit the user to take the on-line survey based on a frequency parameter, the frequency parameter being indicative of a probability that, in response to the selectively modifying step, the online survey solicitation will be submitted for presentation by the browser (See figure 4, column 2, lines 1-15, column 3, lines 35-60, column 4, lines 9-20 and 29-41, wherein a tag is added to the HTML document code and is executed, invoking the decision process of whether or not to solicit the user. See column 4, lines 9-20 and 29-41, which discloses frequency of solicitation).

As per claim 17, Winn teaches a system for conducting an on-line survey, the system comprising:

a client computer for interacting with a user (See figure 2, column 3, lines 5-25 and 45-60, which discloses a client computer and client/server architecture);

a web server in communication with the client computer (See figure 2, column 3, lines 5-25 and 45-60, which discloses a client computer and client/server architecture);

a survey logic server in communication with the client computer (See column 1, line 63-column 2, line5, column 3, lines 45-65, which disclose a survey logic server); and

computer-readable instructions for:

requesting a web page to be sent from the web server to the client computer, the web page including HTML code and/or documents to be presented to the client computer (See figure 2, column 1, line 63-column 2, line 15, column 3, lines 4-25, which discloses a web based system and displaying the HTML on the client);

requesting the HTML code and/or documents for presentation on the client computer (See figure 2, column 1, line 63-column 2, line 15, column 3, lines 4-25 and 45-65, which discloses displaying the HTML on the client); and

sending an on-line solicitation associated with, yet separate and distinct from, the originally accessed HTML document/code from the survey logic server to the client computer based at least in part on a stored value on a client computer indicative of a previous presentation of the on-line survey solicitation on the client computer (See figure 4, column 4, lines 9-20 and 29-41, wherein the user is selectively solicited based on stored cookie data).

However, Winn does not expressly disclose an ad server or that the served HTML documents are online advertisements.

Winn discloses a web-based system with client/server architecture that serves HTML documents to a user who requests and accesses such documents. In response to accessing the served HTML document, a survey manager is accessed that determines whether or not to solicit the user to be surveyed. Examiner takes official notice that most websites on the World Wide Web display advertisements and that these advertisements would be coded using HTML, since HTML is a standard coding language generally adhered to by the major browsers. Further, examiner takes official notice that it is well known to use information related to online advertisements (accesses, displays, etc. found in cookies) in order to more efficiently and accurately identify targets for surveys. Examiner further points out that the recitation that the server is an ad server is an intended use, and that the system of Winn is capable of displaying any HTML document. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an online advertisement as the HTML document of Winn in order to

more accurately identify users to target for surveying reasons, thus drawing from a more accurate sample pool.

As per claim 18, Winn teaches wherein the sending step comprises analyzing cookie data of the client computer indicative of how recently the on-line survey solicitation was previously executed upon the client computer (See figure 4, column 4, lines 10-20).

As per claim 19, Winn teaches wherein the survey logic server is in communication with the client computer by way of the web server (See figure 2, column 1, line 63-column 2, line 10, column 3, lines 4-22 and 45-55).

As per claim 20, Winn teaches wherein the sending step comprises:

based on the cookie data, attaching script to the on-line HTML document, the script being executable by the client computer to call a routine that compares a random number to a set of values based on a frequency parameter to determine whether to send the on-line survey solicitation to the client computer; and further comprising computer executable instructions for sending the on-line HTML document and the script to the client computer (See figure 4, column 2, lines 1-15, column 3, lines 35-60, column 4, lines 9-20 and 29-41, wherein a tag is added to the HTML document code and is executed, invoking the decision process of whether or not to solicit the user. See column 4, lines 9-20 and 29-41, which discloses using random numbers in association with frequency parameters).

However, Winn does not expressly disclose an ad server or that the served HTML documents are online advertisements. See the rejection of claim 17 above, which sets forth the art and rationale for these elements.

As per claim 21, Winn discloses wherein the sending step comprises based on the cookie data, attaching script to the on-line advertisement, the script being executable by the client computer to call a routine at the survey logic computer that compares a random number to a set of values based on a frequency parameter to determined whether to send the on-line survey solicitation to the client computer (See figure 4, column 2, lines 1-15, column 3, lines 35-60, column 4, lines 9-20 and 29-41, wherein a tag is added to the HTML document code and is executed, invoking the decision process of whether or not to solicit the user. See column 4, lines 9-20 and 29-41, which discloses using random numbers in association with frequency parameters).

However, Winn does not expressly disclose an ad server or that the served HTML documents are online advertisements. See the rejection of claim 17 above, which sets forth the art and rationale for these elements.

As per claims 25-27, Winn discloses:

i. as per claim 25, a server for maintaining data for displaying the on-line HTML document (See figure 2, column 1, line 63-column 2, line 15, column 3, lines 4-25, wherein the user accesses HTML documents over the internet, the documents served by the server).

ii. As per claim 26, the server adds first computer-readable instructions for invoking a decision routine to the data when consideration is to be given to sending the on-line survey solicitation to the computer (See figure 4, column 2, lines 1-15, column 3, lines 35-60, column 4, lines 9-20 and 29-41, wherein a decision routine is executed by the server).

iii. As per claim 27, the survey logic server provides the first computer readable instructions to the first server (See column 1, line 63-column 2, line5, column 3, lines 45-65, which disclose a survey logic server).

However, Winn does not expressly disclose an ad server or advertisement data.

Winn discloses a web-based system with client/server architecture that serves HTML documents to a user who requests and accesses such documents. In response to accessing the served HTML document, a survey manager is accessed that determines whether or not to solicit the user to be surveyed. Examiner takes official notice that most websites on the World Wide Web display advertisements and that these advertisements would be coded using HTML, since HTML is a standard coding language generally adhered to by the major browsers. Further, examiner takes official notice that it is well known to use information related to online advertisements (accesses, displays, etc. found in cookies) in order to more efficiently and accurately identify targets for surveys. Examiner further points out that the recitation that the server is an ad server is an intended use, and that the system of Winn is capable of displaying any HTML document. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an online advertisement as the HTML document of Winn in order to more accurately identify users to target for surveying reasons, thus drawing from a more accurate sample pool.

7. Claims 4, 11, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winn (U.S. 6,901,424) in view of de Ment (U.S. 6,728,755).

As per claim 4, Winn discloses analyzing the received cookie data as well as sampling frequencies (See figure 4, column 4, lines 9-20 and 29-41). However, Winn does not expressly disclose and de Ment discloses analyzing the received cookie data to determine an elapsed time since the previous presentation of the on-line survey solicitation; and comparing the elapsed time with a time parameter, wherein the adding step is performed if the elapsed time exceeds a time period corresponding to the time parameter (See figure 3B, column 3, lines 25-35, column 4, lines 40-63, wherein cookie data is requested and analyzed to see timing (i.e. has the user taken the survey within the last six months)).

Both de Ment and Winn disclose using cookie data to determine whether or not to survey a user of the system. Winn specifically discloses limits on the number of times that a user may be solicited for a survey. De Ment discloses utilizing on-line surveys in order to characterize users and gain knowledge from these users, as well as utilizing cookies and timeframe values to determine whether or not to serve a survey to a user. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the timeframes of de Ment in the sampling and invitation processes of Winn in order to more efficiently create a sample pool and solicitation rules, thus allowing the survey to be implemented in a more controlled and accurate manner.

As per claim 11, Winn discloses HTML documents and hyperlinks to other documents that allows for access and distribution of information (See column 3, lines 5-25 and 45-65). However, Winn does not expressly disclose and de Ment dislcoses presenting the on-line survey solicitation as a pop-up window and in response to activation of a link within the pop-up window, sending a web page to the browser client, the web page comprising questions regarding

a product or service advertised in the on-line advertisement (See column 2, lines 1-15 and 45-65, column 3, line 44-column 4, lines 15, column 5, lines 35-60, and figure 3B, wherein a pop-up window is displayed. The user clicks through to a survey concerning a service of the webpage).

Winn discloses HTML documents, through which a user is linked to other documents, as well as executing survey solicitation based on accessing Web documents. Pop-ups, as taught by de Ment, are well known in a web-environment and are used in survey methods. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to link to the survey solicitation via a pop-up window in order to more effectively gain the attention of the user by "popping up" a small graphical user interface.

As per claim 12, Winn discloses HTML documents and hyperlinks to other documents that allows for access and distribution of information (See column 3, lines 5-25 and 45-65). However, Winn does not expressly disclose and de Ment dislcoses presenting the on-line survey solicitation as a pop-up window and in response to activation of a link within the pop-up window, sending a web page to the browser client, the web page comprising questions regarding a product or service advertised in the on-line advertisement (See column 2, lines 1-15 and 45-65, column 3, line 44-column 4, lines 15, column 5, lines 35-60, and figure 3B, wherein a pop-up window is displayed. The user clicks through to a survey concerning a service of the webpage). However, de Ment does not expressly disclose that the pop-up concerns a product or service that is not advertised in the on-line advertisement.

Winn discloses HTML documents, through which a user is linked to other documents, as well as executing survey solicitation based on accessing Web documents. Pop-ups, as taught by de Ment, are well known in a web-environment and are used in survey methods. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to link to the survey solicitation via a pop-up window in order to more effectively gain the attention of the user by "popping up" a small graphical user interface.

Further, de Ment discloses that the user is provided an advertisement for a survey via a pop-window based on the user's use of a search tool. The questions following this original invitation include questions concerning general computer use and services. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a general nature of the questions in the original pop-up in order to increase the convenience of the survey by allowing the respondent to know upfront the types of questions he/she will encounter. See column 3, line 45-column 4, line 25.

Claim 16 recites equivalent limitations to claim 11 and is therefore rejected using the same art and rationale applied above.

8. Claims 8-9 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winn (U.S. 6,901,424) in view of Hamlin et al. (U.S. 6,477,504).

As per claims 8 and 9, Winn discloses sampling rate and frequency algorithms/processes, and further discloses soliciting users only once for a specific survey (See column 3, lines 45-65, column 4, lines 10-20 and 30-41) and wherein the frequency parameter is determined by referencing a look-up table (See column 3, lines 50-65, and column 4, lines 29-40). Winn further discloses a marketing campaign (See column 4, lines 10-20, which discloses a survey project). However, Winn does not expressly disclose that the frequency parameter has a value that is

based in part on a function of time remaining in the campaign or calculating the frequency by incorporating the amount of time remaining in the campaign.

Hamlin et al. discloses a marketing campaign that utilizes surveys and the system calculating frequency of the survey based on calculating how much time is remaining in the campaign (See column 6, lines 40-65, column 9, line 54-column 10, line 5, column 12, lines 45-55, column 13, lines 18-36, wherein a campaign is defined with on-line surveys and the survey is displayed based on number and duration considerations).

Both Hamlin et al. and Winn disclose systems for soliciting a user to take an on-line survey and utilizing cookies and frequency values to determine whether or not to serve a survey to a user. Winn specifically discloses using sampling rates, frequency values, and frequency to determine whether to invite a user to take a survey, as well as cookie data indicating whether or not the user has been previously solicited. It is old and well known in market surveying that marketing campaigns and surveys have specific timeframes associated with them in which a specified number of responses are to be collected in order to more efficiently gain a certain amount of sample results. It would have been obvious to one of ordinary skill in the art at the time of the invention to include time values associated with the campaign in association with the frequency parameters of the survey in order to more efficiently gather information from users of the system by defining the goals and objectives of the data to be collected.

As per claim 22, Winn discloses a sampling rate and frequency, and further discloses soliciting users only once for a specific survey (See column 4, lines 10-20 and 30-41). Winn further discloses a marketing campaign (See column 4, lines 10-20, which discloses a survey

project). However, Winn does not expressly disclose that the frequency of solicitation is based in part on a function of elapsed time.

Hamlin et al. discloses a marketing campaign that utilizes surveys and the system calculating frequency of the survey based on calculating how much time has elapsed in the campaign (See column 6, lines 40-65, column 9, line 54-column 10, line 5, column 12, lines 45-55, column 13, lines 18-36, wherein a campaign is defined with on-line surveys and the survey is displayed based on number and duration considerations).

Both Hamlin et al. and Winn disclose systems for soliciting a user to take an on-line survey and utilizing cookies and frequency values to determine whether or not to serve a survey to a user. Winn specifically discloses using sampling rates, frequency values, and frequency to determine whether to invite a user to take a survey, as well as cookie data indicating whether or not the user has been previously solicited. It is old and well known in market surveying that marketing campaigns and surveys have specific timeframes associated with them in which a specified number of responses are to be collected in order to more efficiently gain a certain amount of sample results. It would have been obvious to one of ordinary skill in the art at the time of the invention to include time values associated with the campaign in association with the frequency parameters of the survey in order to more efficiently gather information from users of the system by defining the goals and objectives of the data to be collected.

As per claim 23, Winn teaches wherein the frequency parameter is performed according to an algorithm (See column 3, lines 50-65, and column 4, lines 29-40).

As per claim 24, Winn teaches wherein the frequency parameter is determined by referencing a look-up table (See column 3, lines 50-65, and column 4, lines 29-40).

Response to Arguments

9. Applicant's arguments with respect to de Ment (U.S. 6,728,755) and de Ment (U.S. 6,728,755) in view of Hamlin et al. (U.S. 6,477,504) have been fully considered, but are moot in view of the new grounds of rejection, necessitated by amendment.

10. Applicant's arguments with respect to Hamlin et al. (U.S. 6,477,504) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that Hamlin et al. does not teach or suggest a frequency parameter value being a function of time remaining/elapsed in a campaign.

In response to this argument (4), Examiner respectfully disagrees. Examiner first points out that this rejection is now under 35 USC 103 based on Winn and Hamlin et al., as set forth above in the new grounds of rejection, necessitated by amendment. Further, Hamlin et al. discloses a marketing campaign that utilizes surveys, the survey being displayed based on number and duration considerations. The system calculates frequency of the survey based on calculating how much time has elapsed in the campaign. See column 6, lines 40-65, column 9, line 54-column 10, line 5, column 12, lines 45-55, column 13, lines 18-36.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kahlert et a. (U.S. 2005/0071219) discloses a survey assigning server and an access point server, as well as online advertisements and using user's cookies to determine whether or not to serve a survey.

Nyhan et al. (U.S. 7,101,497) is an issued patent to the same inventive entity.

Kolls (U.S. 6,807,532) discloses a server distributing advertising content as well as receiving and processing survey responses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd
January 3, 2007

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